

MINUTES

UTAH SOCIAL WORK BOARD MEETING

October 4, 2007

**Room 475 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:07 A.M.

ADJOURNED: 1:50 P.M.

Bureau Manager:
Board Secretary:

Noel Taxin
Karen McCall

Board Members Present:

Tammer M. Attallah, Chairperson
Jean V. McAfee
Mark de St. Aubin
Joyce Stowe-St. Clair
Dennis R. Frandsen
Patsy J. Smith
Andrew Johnston

DOPL Staff Present:

David Stanley, Division Director

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the July 12, 2007 meeting were read.

Mr. de St. Aubin made a motion to approve the minutes as amended. Ms. Smith seconded the motion. **The Board vote was unanimous.**

The minutes from the August 2, 2007 meeting were read.

Mr. Frandsen made a motion to approve the minutes as amended. Mr. Johnston seconded the motion. **The Board vote was unanimous.**

APPOINTMENTS:

10:00 A.M.

Tamera Neilson, Probationary Interview

Ms. Neilson met for her probationary interview.

Mr. Johnston was introduced to Ms. Neilson.

Ms. Smith conducted the interview.

Ms. Smith informed Ms. Neilson that all her reports have been received. She asked Ms. Neilson to update the Board since her last appointment.

Ms. Neilson responded that she has spent 16 hours at the hospital in a training session. She stated that it was informative. She stated that she asked Craig Skousen to send her documentation of the CSW clinical hours he supervised but she has not yet received that information. Ms. Neilson stated that she understands that she has to wait until her probation is completed before she can apply for the LCSW. She stated that she is still working at Hospice and there have not been many changes.

Ms. Smith stated that Ms. Neilson has completed all the requirements of her probation except the time.

Ms. Taxin asked if the Board had any concerns or questions for Ms. Neilson.

The Board responded that they did not.

Ms. Taxin informed Ms. Neilson that the Board had already read her reports and her request for termination of probation.

Mr. de St. Aubin asked Ms. Neilson what she plans to put in place to support her safe practice as an LCSW as the LCSW practice can be isolated at times.

Ms. Neilson responded that the best prevention is to be aware of transference and counter-transference possibilities. She stated that she would go to a colleague if she has any questions regarding a

relationship and she would transfer the client to another clinician. She stated that in a clinical setting it is better to have firm boundaries so the clinician does not get into a situation. Ms. Neilson stated that she has learned that it is not her responsibility to rescue everyone. She stated that she believes she does her job well but others can help people as well as she can. She stated that she has learned to stay in close contact with her colleagues and if she did a private practice she would join a group of clinicians. Ms. Neilson stated that the probationary process has been healing to her. She stated that she has made the changes in her life because she values herself and her clients. She stated that the Board has been fair with her and it has been good for her to have to check in with the Board. She stated that it did take some time for her to view the Board and the probationary process as a resource.

Mr. de St. Aubin made a motion to terminate Ms. Neilson's probation based on Ms. Neilson having met the requirements except the time and having been in compliance with her Stipulation and Order.

Mr. Frandsen seconded the motion.

The Board vote was unanimous.

Ms. Taxin explained the process of terminating probation. She stated that Ms. Neilson may apply for the LCSW if her mental health therapy hours are completed. Ms. Taxin stated that each supervisor must submit a form for the time they supervised.

Ms. Neilson responded that she had completed most of the 4,000 hours before being put on probation. She asked if she will need to gather the hours from that first supervisor and from the supervisor at the hospital.

Ms. Taxin responded that Ms. Neilson will be over the 4,000 hour supervised experience requirement. She stated that if Ms. Neilson has enough hours without Mr. Skousen's hours then she may submit the application and forms as the Division and Board are aware that she did work under Mr. Skousen's supervision.

Ms. Neilson stated that she was informed that if she did not complete her 4,000 supervised hours within 2 years of taking the examination she would be required to retake the examination. She asked if that is true.

Ms. Taxin responded that it is not true that the hours have to be completed within 2 years of taking and passing the examination or the applicant has to retake the examination. Ms. Taxin reminded Ms. Neilson that the supervisors must complete the forms in their entirety and the hours must total 4,000 hours.

Mr. Attallah suggested Ms. Neilson make a copy of the completed application for her own files before she submits it to the Division.

Ms. Taxin explained the process for termination of probation. She stated that Ms. Neilson may apply at any time for the LCSW license. Ms. Taxin thanked Ms. Neilson for her compliance and commitment to the probation process.

10:20 A.M.

Henry McCloyn, Probationary Interview

Mr. McCloyn met for his probationary interview.

Mr. Johnston was introduced to Mr. McCloyn.

Ms. Stowe-St. Clair conducted the interview.

Ms. Stowe-St. Clair informed Mr. McCloyn that his supervision reports had been received and a letter from Dr. Byrne was received. She asked him to update the Board on what he is doing and where he is working.

Mr. McCloyn responded that he is at Highland Ridge Hospital and has worked in different positions in the agency. He stated that he has continued his therapy with Dr. Byrne and Dr. Byrne wants him to complete an MMPI test. Mr. McCloyn stated that in order for Dr. Byrne to address all issues he needs the MMPI. He stated that a date has been scheduled for the test. Mr. McCloyn stated that he has continued with his drug testing and he and his employer submitted letters

requesting the drug testing requirement be terminated.

Ms. Stowe-St. Clair asked if Mr. McCloyn has attended monthly AA meetings as required.

Mr. McCloyn responded that he has not. He stated that he is hoping the MMPI will address that issue and that he will not have to attend any AA meetings. Mr. McCloyn stated that he is uncomfortable attending AA meetings as clients and former clients are there. He stated that it feels like he is crossing boundaries by attending meetings with them and he feels he is being pulled into going out with them after the meetings. Mr. McCloyn stated that he has attended 4 meetings and it is an awkward situation for him.

Ms. Stowe-St. Clair stated that Mr. McCloyn has not explained these feelings to the Board before.

Mr. de St. Aubin commented that there are many clients and former clients who are in the life long process for recovery. He stated that he can understand Mr. McCloyn's discomfort.

Ms. Taxin stated that Mr. McCloyn's explanation was well stated and she wished he had shared the information before. She stated that there is a group called Professionals in Recovery, PIR, and it might be a more appropriate setting for Mr. McCloyn. Ms. Taxin suggested Mr. McCloyn contact Susan and Debbie for the contact information. She recommended Mr. McCloyn attend the PIR meetings until Dr. Byrne has written his report and made his recommendations.

Mr. Attallah stated that the Boards function is to help Mr. McCloyn. He stated that it would have been better if Mr. McCloyn had shared the information in order for the Board to assist him in being compliant with his Stipulation and Order.

Mr. Frandsen stated that Mr. McCloyn has been more open in his responses today where in the past his responses have sometimes been vague.

Mr. Attallah stated that the Board was impressed

with Mr. McCloyn's employer's positive report.

Ms. Taxin stated that if Dr. Byrne's report recommends drug testing is no longer necessary then the Board can consider making an amendment in Mr. McCloyn's Order.

Mr. McCloyn responded that Ms. Taxin had informed him earlier that the drug testing did not depend on Dr. Byrne's report. He stated that Ms. Taxin had said he needed to have negative reports for one year and then the Board could consider amending the Order. Mr. McCloyn stated that he has had negative tests for just over a year. He stated that when he called Ms. McCall she suggested his employer make a recommendation in his report. Mr. McCloyn stated that his employer did make a recommendation to the Board.

Ms. Taxin stated that the boundary violations and the alcohol issues are the 2 issues that Dr. Byrne should address in his final report to the Board. Ms. Taxin asked what Mr. McCloyn would do if the Board recommends termination of the drug testing and then Dr. Byrne's report states that Mr. McCloyn has alcohol issues and should attend AA meetings what would he do.

Mr. McCloyn responded that he knows he has had alcohol issues and he would then attend the AA meetings or the PIR meetings.

Mr. de St. Aubin stated that upon a positive confirmation from Dr. Byrne Ms. Taxin could amend the Order without Mr. McCloyn having to wait for another Board meeting.

Ms. Taxin asked if the Board would recommend an amendment to the Stipulation and Order to terminate the drug testing requirement now if Mr. McCloyn follows through with the MMPI and goes to the PIR group. She stated that he has not missed any of his drug tests, it is expensive for him to test and he has not had any positive tests in over a year. Ms. Taxin stated that Mr. McCloyn has been out of compliance with his Stipulation and Order as he has not been attending the AA meetings as

required. She stated that the drug testing and the AA meetings are separate clauses in his Stipulation and Order but support each other. Ms. Taxin stated that she believes Mr. McCloyn has completed what has been asked of him and his request to terminate the drug testing is an appropriate request.

Mr. Frandsen asked if the drug testing requirement could be reinstated if necessary.

Ms. Taxin responded that the requirement could be reinstated if necessary. She stated that the Board should also set a specific date for Dr. Byrne's report to be submitted. Ms. Taxin stated that Mr. McCloyn is allowed to drink if he is not on drug testing and it is her recommendation that if he chooses to drink that he will drink responsibly.

Mr. Frandsen asked if the testing is financially affecting Mr. McCloyn.

Mr. McCloyn responded that he tested 3 times in September which cost him a total of \$180.00. He explained that he is required to call in daily and if he forgets to call and is suppose to test it is considered a positive test. He stated that it is stressful for him in addition to a financial cost.

Mr. Frandsen made a motion to terminate the requirement of drug testing for Mr. McCloyn with reinstatement of the requirement if Dr. Byrne's report recommends drug testing.

Ms. Stowe-St. Clair seconded the motion.

The Board voted as follows: In favor, Tammer Attallah, Jean McAfee, Joyce Stowe-St. Clair, Dennis Frandsen, Patsy Smith and Andrew Johnston. Mr. de St. Aubin abstained from voting.

Ms. Stowe-St. Clair reminded Mr. McCloyn that he had said he did not keep his appointment for the MMPI with Dr. Byrne as he was going to attend AA meetings and then did not attend the AA meetings. She asked him to explain.

Mr. McCloyn responded that his intention was to attend the AA meetings instead of doing the MMPI test but did not attend the meetings.

Ms. Stowe-St. Clair asked if he intends to keep his appointment for the MMPI test on October 27, 2007 and if he intends to follow through with Dr. Byrne's recommendations even if Dr. Byrne recommends attendance at AA meetings.

Mr. McCloyn responded that he does plan to keep his appointment with Dr. Byrne on October 27, 2007 and if Dr. Byrne recommends he attend AA meetings he will either attend the AA meetings or PIR meetings.

Ms. Taxin stated that the Board would consider removing the requirement of attendance at AA meetings if Dr. Byrne recommends it is not a necessary requirement. She reminded the Board and Mr. McCloyn that his probationary period is through May of 2008.

Mr. McCloyn commented that the Stipulation and Order states that he may request early termination after a year of probation. He asked when he could make that request.

Ms. Taxin responded that he would have to be in compliance and complete all requirements before he can ask for early termination of his probation.

Mr. Attallah responded that there is still the non-compliance with the AA or PIR requirement and Mr. McCloyn needs to complete that requirement.

Mr. Frandsen stated that Mr. McCloyn also has the CE requirement to complete.

Mr. McCloyn responded that he had talked with Ms. Taxin who requested him to bring information to the Board regarding CE he would be interested in. He submitted information for the Board to review.

Ms. Taxin reminded Mr. McCloyn that he is required by his Stipulation and Order to have 20

hours of CE completed by November 20, 2007.

Mr. Attallah stated that he received the NASW brochure for CE that is coming up soon. He stated that he believes they are local workshops.

Ms. Taxin stated that the Board needs to approve or deny information Mr. McCloyn has submitted. She stated that if Mr. McCloyn finds something through NASW then he should contact her for approval.

Mr. de St. Aubin read 3 course names for the Board that are 6 credits, 3 credits and 3 credits. He stated that the first 2 objectives appear to be the same with one course being more advanced than the other course.

Mr. de St. Aubin made a motion to approve the 6 hour course and the 3 hour course that is a different course.

Mr. Frandsen seconded the motion.

The Board vote was unanimous.

Ms. Taxin suggested Mr. McCloyn research the 3 courses and if they build on each other then take all three courses.

Mr. de St. Aubin asked Mr. McCloyn if he is in a supervisory position with his upgraded position at work.

Mr. McCloyn responded that he is not in a supervisory position.

An appointment was made for Mr. McCloyn to meet again January 3, 2008.

10:40 A.M.

Megan Heath, Probationary Interview

Ms. Taxin reported that Ms. Heath called and will not be attending the meeting due to illness. She stated that an appointment will be made for Ms. Heath to meet at the next scheduled Board meeting.

11:00 A.M.

Enrique Velasquez, Probationary Interview

Mr. Velasquez met for his probationary interview.

Mr. Attallah introduced Mr. Johnston.

Mr. Attallah conducted the interview.

Mr. Attallah stated that the Board had reviewed Mr. Velasquez letter regarding him not yet being employed in the field of social work. He stated that if Mr. Velasquez is not employed in social work there is no need for him to meet with the Board. Mr. Attallah stated that Mr. Velasquez is requested to submit a monthly letter to update the Board regarding his employment in social work or no employment in social work.

Ms. Taxin stated that if Mr. Velasquez obtains employment in social work he should contact her immediately.

Mr. Velasquez responded that there is a possibility that he will not be going back into the social work field. He stated that he has been offered the position of head coach for a semi-professional soccer team. Mr. Velasquez stated that he will make a decision and then notify Ms. Taxin.

Ms. Taxin responded that Mr. Velasquez will need to make a decision in/or about 6 months or the Board may have to recommend an Order to Show Cause as he is out of compliance with the MOU and Order.

Mr. de St. Aubin asked if there is a time limit for Mr. Velasquez probation to be on hold.

Ms. Taxin responded that there is not but he needs to be in compliance as the time cannot be extended indefinitely.

Mr. Velasquez responded that he will have a decision made by January 2008.

Ms. Taxin stated that Mr. Velasquez communicating to the Board what he is doing is

important so they are not wondering. She stated that if he does obtain employment in social work to notify her as soon as possible and she will make an appointment for Mr. Velasquez to meet with the Board.

Mr. Attallah reminded Mr. Velasquez that he must complete the CE requirements to renew his license.

Mr. Velasquez responded that he understands the CE requirement.

Mr. Attallah concluded that Mr. Velasquez will need to submit monthly letters that he is not employed in the field of social work unless he obtains employment in social work and he will not be required to meet with the Board until he is employed in the field of social work.

The Board determined Mr. Velasquez is out of compliance with his MOU at this time based on his not working in the field of social work.

11:30 A.M.

Todd Morton, Probationary Interview

Mr. Morton did not keep his appointment with the Board for his probationary interview.

The Board requested Ms. Taxin to contact Mr. Morton regarding having not kept his probationary appointment. They requested her to notify him that the Board understands he is not working in the field of social work and not doing any mental health therapy. The Board requested Ms. Taxin to request monthly updated letters and when he is working in the field of social work to notify her and an appointment will be made for him to meet with the Board. The Board determined Mr. Morton is out of compliance with the requirements of his Stipulation and Order.

11:50 A.M.

Samuel Giovanini, Public Reprimand Interview

Mr. Giovanini did not meet with the Board.

12:00 P.M. to 12:40

LUNCH

1:00 P.M.

Mark de St. Aubin, Comments on Letter
regarding Resident Advocate/Job Description

Mr. de St. Aubin commented on having received a phone call from Christine White regarding using Social Service Workers and Master level Social Workers on staff in nursing homes. He stated that he recommended she contact the Division for an appointment to meet with the Board for discussion.

1:15 P.M.

Christine White, Comments on Letter
regarding Resident Advocate/Job Description

Ms. White met with the Board to discuss using Master's level social workers in nursing homes.

Board members and Division staff were introduced.

Ms. White stated that she is a Licensed Clinical Social Worker who works for a large health care agency that has about 240 nursing homes around the United States with 5 in Utah. She stated that years ago all the directors were not licensed people but were at least Bachelor of Social Work education. Ms. White stated that the directors are now at least Masters degree people.

Ms. White explained that a variety of people have given different directives and she is in the process of bringing the corporate office into using Masters level people in their nursing homes.

Ms. Taxin explained that Utah requires those doing social work to be licensed and the Masters level would be a Certified Social Worker who is under supervision of a Licensed Clinical Social Worker while doing mental health therapy. Ms. Taxin stated that this issue has been taken to the Attorney Generals office for review. She stated that there was a case where there was a question regarding a job description as the description combined nursing duties and a variety of social work duties. Ms. Taxin stated that she reviewed the job description as a courtesy and informed the agency what duties fell in the scope of a SSW, CSW, LCSW and Nurse because the SSW was performing all the duties. She stated that the agency was calling the employees social work designees but they were performing mental health and/or CSW and LCSW scope. She stated that the

agency re-wrote the job description. Ms. Taxin stated that the Laws and Rules clarify the scope of practice for licensees and she had informed the agency that people must have a license to do social work and to perform the duties of that scope of practice.

Ms. Taxin stated that if the agency has no mental health therapy being performed then the CSW or SSW do not require supervision but both levels require supervision if mental health therapy is being conducted. Ms. Taxin stated that an unlicensed person cannot call themselves a social worker and licensed or unlicensed, employees can only work within their scope of practice and education.

Ms. Taxin stated that she has been requested to speak to the Utah Health Care Association regarding the Laws and Rules but has declined and referred the agency to review the Laws and Rules. She stated when the Law and Rules are amended and revised she will speak with the Association members.

Ms. White responded that she is having trouble identifying what a mental health agency is.

Ms. Taxin responded that if the agency is a licensed mental health facility then it is a mental health agency. She stated that a mental health agency would be an agency that treats mental illness through conducting evaluations, diagnosing, prescribing a plan for prevention or treatment and engaging in the intervention including psychotherapy. Ms. Taxin stated that it is the responsibility of the licensee or agency to review the Laws and Rules and DOPL cannot interpret for them. She stated that for an interpretation Ms. White would need to seek legal counsel.

Following additional discussion Ms. White thanked the Board and Ms. Taxin for their time and explanations of the Laws and Rules for Social Work.

DISCUSSION ITEMS:

Update from Ms. Taxin regarding Robert Marshall

Ms. Taxin read the Stipulation and Order Finding of Facts regarding Mr. Marshall for the Board. She stated that Mr. Marshall surrendered his license and will no longer be meeting with the Board for probationary interviews.

Ms. Smith asked if Mr. Marshall could apply for the SSW license.

Ms. Taxin responded that he cannot apply for any social work license in Utah for a period of 3 years.

Mr. de St. Aubin asked if Mr. Marshall may conduct youth groups.

Ms. Taxin responded that he could only do groups that do not require a license.

Mr. de St. Aubin asked if there is anything to prevent Mr. Marshall from going to another State and applying for licensure.

Ms. Taxin responded that he could go to another State and apply for licensure and it would be the choice of the other State whether they issue him a license or not.

2008 Board Meeting Schedule

The Board noted the following dates have been scheduled for 2008: January 3, February 7, March 6, April 3, May 1, June 5, July 17, August 14, September 4, October 2, November 6 and December 4, 2008.

Upon reviewing the dates the Board requested the August 14 meeting be changed to August 7, 2008.

CORRESPONDENCE:

Ken Lowe Letter

Ms. Taxin read Mr. Lowe's letter requesting permission to supervise 4 people, 3 CSW's and 1 SSW. Ms. Taxin reminded the Board that Mr. Lowe is also the approved supervisor for Matthew Kaopua, CSW. She stated that Mr. Lowe did not list Mr. Kaopua on his list.

The Board requested the following additional

information before approval to supervise the 4 listed:

- 1. What is Mr. Lowe's caseload and how many hours a week does he work?**
- 2. Are the 4 individuals full-time employees or part-time?**
- 3. Why did Mr. Lowe not list Mr. Kaopua as one of the CSW's he is currently supervising?**

The Board will consider the request after the above questions are answered.

Wendy Seeley e-mail

Ms. Taxin read Ms. Seeley's e-mail regarding clarification of scope of practice.

Ms. Taxin explained that Ms. Seeley was part of a group where she had lectured. She stated that the information Ms. Seeley provided in her e-mail indicate that she would not be doing social work.

Following the discussion the Board recommended Ms. Taxin contact Ms. Seeley and request additional information in order for a recommendation to be given.

Mr. de St. Aubin volunteered to contact Ms. Seeley for additional information regarding medical peer review and then contact Mr. Attallah for consultation before he gives Ms. Seeley a response.

ASWB August 2007 Newsletter

The Board reviewed the newsletter.

Mr. de St. Aubin commented that it appears that progress has been made regarding electronic therapy.

Ms. Taxin stated that she has received a few e-mails but has not really addressed the issue.

Stephen H. Balch Letter

Mr. Attallah read Mr. Balch's letter regarding the requirement of the CSWE Accredited Education.

Mr. Attallah stated that the information does not apply to the Utah Board.

Board members agreed.

Joyce Stowe-St. Clair questions

Ms. Stowe-St. Clair informed the Board that she will be attending the ASWB November meeting. She requested the Board for assistance regarding the issues that will be discussed. Ms. Stowe-St. Clair read the issues to the Board.

Following discussion of the issues Board members and Ms. Taxin explained the ASWB voting process for Ms. Stowe-St. Clair.

Ms. Taxin stated that the meetings are very informative and Ms. Stowe-St. Clair will be able to report to the Board at the December meeting.

NEXT MEETING SCHEDULED FOR:

November 1, 2007

ADJOURN:

Motion to adjourn by

The time is 1:50 pm and the meeting is adjourned.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

December 6, 2007
Date Approved

(ss) Tammer Attallah
Chairperson, Utah Social Work Licensing Board

November 1, 2007
Date Approved

(ss) Noel Taxin
Bureau Manager, Division of Occupational &
Professional Licensing